IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1388 of 2005

Between:

Urudu Upper Primary School, Shankar Nagar, Bodhan, Nizamabnad District, rep. by its Correspondent Ghulam Mohiuddin.

..... PETITIONER

AND

1 The District Educational Officer, Nizamabad, Nizamabad District.
2 The Dy. Educational Officer, O/o. The District Educational Officer, Nizamabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in directing the petitioner to place Ahmeduddin Ex-HM under Suspension is arbitrary, unreasonable and violation of the Rules and accordingly set aside the impugned proceedings of the 1st respondent in Rc.No.5700/A3/2004, dt. 25.8.2004 as well as the proceedings dt. 23.09.2004, including the proceedings in Rc.No.5700/B4/2004, dt. 06.01.2005 and direct the respondents to Return the entire records pertaining to the petitioner school and to pass such other and further orders as this Hon'ble Court may deems fit and proper.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner and learned Government Pleader appearing for the respondents.

This writ petition is filed aggrieved by the impugned proceedings dated 06-01-2005 issued by the first respondent-District Education Officer, Nizamabad District under which the petitioner School was directed to show cause as to why necessary steps shall not be taken for filing criminal case besides withdrawal of recognition and cancellation of Grant-in-Aid. The petitioner was required to submit his explanation to the allegations specified therein within a week, failing which it will be presumed that he has nothing to offer and further action will be taken based on the material available on record.

Though the learned counsel for the petitioner has raised several grounds contending that the action contemplated under the impugned show cause notice dated 06-01-2005 is unwarranted, I am not inclined to express any opinion on the said aspects since the impugned proceedings is nothing but a show-cause notice.

The learned Counsel for the petitioner submits that the petitioner is unable to furnish the information sought in the show-cause notice since the second respondent has taken away the records including Staff Attendance Register, Acquittance Register and Pay Bill Register and in spite of the representation made by the petitioner, the second respondent has failed to return the said records. Nothing prevented the petitioner to explain the same before the 1st respondent and if necessary to seek more time to submit the explanation. Without taking such steps, the petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India. It is always open to the petitioner to submit necessary

explanation raising all objections as available under law, in which event, the respondents will consider the same and pass appropriate orders in accordance with law.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of granting liberty to the petitioner to submit an appropriate explanation to the impugned notice dated 06-01-2005 within a period of one week from today, in which event, the first respondent shall consider the same and pass appropriate orders in accordance with law. No order as to costs.

_____

02-02-2005

kdl

To

1 The District Educational Officer, Nizamabad, Nizamabad District.
2 The Dy. Educational Officer, O/o. The District Educational Officer, Nizamabad District.

3 Two C.Cs. to the G.P. for School Education, High Court of A.P., Hyderabad, (OUT).

4 Two C.D. Copies.